COMMERCE AND INDUSTRY (DR. RAMAN) : Mr. Vice-Chairman, Sir, I beg to move for leave to introduce a Bill further to amend the Patents Act, 1970.

The question was put and the motion was adopted.

SHRI GURUDAS DAS GUPTA (West Bengal) : Sir, before the hon. Minister seeks the approval of the House to pass the Bill ...*(Interruptions)*... Is he not moving the Bill for passing?

SOME HON. MEMBERS : No.

DR. RAMAN : Sir, I introduce the Bill.

SHRI GURUDAS DAS GUPTA : Sir, I have a point on this.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : This is over.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN) : We have one more Bill to be introduced.

SHRI GURUDAS DAS GUPTA : All right.

The Semiconductor Integrated Circuits Layout Design Bill,1999

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WATER RESOURCES (SHRI PRAMOD MAHAJAN) : Mr. Vice-Chairman, Sir, I beg to move for leave to introduce a Bill to provide for the protection of Semiconductor Integrated Circuits Layout-Designs and for matters connected therewith or incidental thereto.

The question was put and the motion was adopted.

SHRI PRAMOD MAHAJAN : Sir, I introduce the Bill.

SHRI GURUDAS DAS GUPTA (West Bengal) : Sir, according to the paper circulated to us, it appears that the legislative business will precede the discussion on the Appropriation (Railways) Bill. This is improper. Earlier, we were given to understand that the Government was interested to discuss in detail the Appropriation (Railways) Bill because we have many things to say. Many incidents have taken place. Therefore, it should get some priority The "List of Business" that is being formulated by the

Ministry of Parliamentary Affairs, I feel they are not giving importance to the Appropriation (Railways) Bill. I will not say that it is a case of neglect. But I will say it, is an inappropriate move on the part of the Ministry of Parliamentary Affairs to side-line the discussion. I hope neither Ms. Mamata Banerjee is being side-lined nor the Railways. We think that the discussion on Railways should get a proper place. My submission is that it should precede any discussion on any other Bill that the Government is going to move.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : I am confident that with your guidance, things will be put on the right track.

SHRI JIBON ROY (West Bengal) : Sir, we will discuss the Railways Bill.

SHRI PRAMOD MAHAJAN : I would like to clarify that we have nothing against the Railway Ministry or ...

SHRI GURUDAS DAS GUPTA : But against the Minister.

SHRI PRAMOD MAHAJAN : She knows who is against her and who is for her in this House. I don't have to educate her on this. In spite of your best efforts, it will not help you. Sir, the only problem is, this Designs Bill has to be passed and has to go to the other House also. As far as the Appropriation (Railways) Bill is concerned, it has already been passed by the Lok Sabha. Now, this Bill has to be considered and returned to the Lok Sabha. That is why the Government thought it necessary to first pass the Designs Bill and then the Appropriation (Railways) Bill.

SHRI JIBON ROY (West Bengal) : Sir, we have to go into the design in bringing forth this Designs Bill. Therefore, it has got to be examined either by a Select Committee or by the Standing Committee. The Designs Bill is a technical Bill. Therefore, without scrutinising it by technical persons, to pass it is unfair, unwise and an injustice to the House.

You are asking us to raise our hands without knowing anything. It means that. A Bill like the Designs Bill, like the Patents Bill, like the Semi-conductors Bill--we do not know the name at all--we have to go through and read it. Sir, now, we will discuss the Railways.

SHRI PRAMOD MAHAJAN: Sir, it has already been circulated. *(Interruptions)*. This is not proper.

SHRI GURUDAS DAS GUPTA: We want that the Railways get precedence.

DR. BIPLAB DASGUPTA (West Bengal) : May I make two points? The Government seems to be in a hurry to push through a number of Bills which require a lot of consideration. Last week, the Copyrights Bill was hurried through without discussion.

SHRI PRAMOD MAHAJAN: Sir, this is not a good comment. The Government did not hurry up the Copyrights Bill. Let me make that clear. ...*(Interruptions)*.... In the Business Advisory Committee, the entire time to be consumed.*(Interruptions)*... Let us consume that time to discuss it. *(Interruptions)*.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): If time was given, were there Members present to consume the time? *(Interruptions)*.

DR. BIPLAB DASGUPTA: Sir, let me make my point. I do not know whether the Minister has read the Designs Bill. I am trying to bite the Bill. My teeth have been broken. It is such a tough Bill. Each and every word in it is very technical. It is loaded with all sorts of technical jargons. It is a very long Bill, not a short Bill. For us to understand the Bill, we need to really go through it along with experts. This is not a Bill which any Parliament can pass just like that. None of us understands this. Nobody will understand. I suggest to Members, who want to verify what I am saying, kindly have a look at it. It is one of the toughest Bills ever to come before Parliament. The Standing Committe system had been set up with the express purpose of considering in-depth such technical Bills. A Standing Committee or a Select Committee can call experts. Experts can advise them on each and every technical point. They can tell them what the actual construction is. Sir, you are a lawyer. You know it. It is very difficult to say as to what the construction of a sentence is unless you are a lawyer. So, you need to consult a lawyer. You need to consult technical experts. You need to consult scientists. I cannot form a judgment on what Mr. Mahajan says. As a Party, we have to form our own judgment. We cannot form a judgment whether the Bill is good or bad; whether some parts of it are good and some parts are bad; whether there is a scope for improvement or not, until we have been able to understand the Bill, understand each and every word of it. Without having consulted experts, we are not in a position to formulate our views on this. We have already discussed it in the

Business Advisory Committee. I have personally requested the Minister again and again. It is a very difficult Bill. If you try to get this Bill passed now without scrutiny by the Standing Committee, you better forget about the Standing Committee or a Select Committee because there will be no need for a Standing Committee or a Select Committee. The Committee is there only for this kind of a Bill. If you really try to hurry through it, it will be very unfortunate really. Sometimes, an argument is given that there is the WTO deadline. We have already done that. The WTO is not being expected now. The 'deadline' really does not mean anything.*(Interruptions)* You may set up a Standing Committee with the express directive that by the first week of February, the Standing Committee should give a report. The Standing Committee can consist of various Members of the House. The Standing Committee can consult experts and give its opinion. Only then can we form an opinion. You cannot rush it through the House by one or two hours' discussion.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): You have made your point. I have understood your point. Now, please sit down. This matter was decided in the Business Advisory Committee. ...*(Interruptions)*...

DR. BIPLAB DASGUPTA: It was not decided.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : Let me complete. I have heard you in silence. It was decided that this Bill will be moved today in advance and the Chairman has given permission. Unless there is some compelling reason....*(Interruptions)*...We cannot deviate from that.

DR. BIPLAB DASGUPTA: We have recorded our opposition. The time was allotted with the understanding that we can go through the Bill and then consult the Minister. That was the decision of the Business Advisory Committee.

I thought that after we have examined the Bill, we will again discuss it with the Minister, and the Minister will then come to some sort of a consensus on this Bill. That was the understanding. It was not the case that the Business Advisory Committee has passed it. That was not the case.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): But once the Chairman has decided that the Business for today will be this Bill. ...*(Interruptions)*...

DR. BIPLAB DASGUPTA: The House is supreme, Sir. ...*(Interruptions)*...

SHRI JIBON ROY: Sir, I will request the Leader of the House, through you, Sir, not to create the impression that the Government is bulldozing the House on important Bills. Sir, all the Bills are loaded with technical words. You can get this Bill passed....*(Interruptions)*...

SHRI PRANAB MUKHERJEE (West Bengal): Sir, there are two pieces of legislation. One is the Designs Bill, the old Act of 1911. In this Bill, there are 48 clauses. This Bill is one of the parts of the intellectual property right, and this Bill was discussed earlier also. At the same time, some of my colleagues who are raising their voices are saying that this Bill is a highly technical Bill. Therefore, they would also like to ascertain the opinion of the experts. On the other hand, there is a view that all the technical terms and jargons have been incorporated in this Bill. But nonetheless, this is not a new piece of legislation. This Act was enacted in 1911, and long before, many of the advanced industrialised countries have the intellectual property protection so far as the design is concerned. Now, it has been construed in this Bill that some of the international agreements which have taken place, are being incorporated, some new sections have been added, the scope and definition of designs has been widened. But, for the present, to overcome the passage of this Bill, through you, Sir, I would like to respectfully submit to the Leader of the House that we have two legislative pieces of business, and after that, we have another business at five o' clock, that is the National Telecom Policy-1999, a discussion under rule 176. So, today, if we take up the Appropriation (Railways) No. 4 Bill, 1999 and glance through it, and thereafter, tomorrow morning, we can sit with the Minister for this purpose. Two more days will be left so far as the Designs Bill is concerned. So far as the other Bill is concerned, I don't think there is any difference of opinion. So far as the Semi Conductors Bill is concerned, there, our rights have to be protected. So far as the Semi Conductors Bill which the hon. Minister has introduced today is concerned, it is essentially needed to protect our rights and our software manufacturers. So, my submission to you is that if the Government agrees, we can decide it, and today we can discuss the Appropriation(Railways) No. 4 Bill, 1999. Thereafter, we shall have to discuss the National Telecom Policy. Thereafter, two days would be left even to go to the Lok Sabha. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Sir, I am only saying that the hon. Minister, who is looking after the Parliamentary Affairs, should kindly take note of this view. Let us give precedence to the Railways business today. He should also allow us some time so that we may be in a position to formulate our views properly. It does not look nice. Whoever may be responsible, the way in which the House had to pass the Bill on Friday, was not proper. It does not look nice. It does not look nice the way the House was conducted. Since we have been cooperating with the Government ...*(Interruptions)*...

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Sir, I do not know as to against whom the hon. Member is casting aspersion. ...*(Interruptions)*...

SHRI GURUDAS DAS GUPTA: Mr. Minister, try to understand me. I am not castigating the Government alone. I also share the responsibility or the blame for that thing which has taken place because of the lopsided procedure. All of us are responsible for that. I share the concern of the Government. We have been cooperating with the Government. Let us give precedence to the Appropriation (Railways) No. 4 Bill, 1999. We have the time, and by tomorrow, we will be able to formulate our views. Let there be a move for a parliamentary consensus. I appeal to you, Mr. Mahajan.

SHRI PRAMOD MAHAJAN: Sir, try to understand my problem. Shri Pranab Mukherjee, while making his point, was saying that there is no point in saying, no. I will just explain my problem in one minute.

If we take the Designs Bill tomorrow, and by the time the message goes to Lok Sabha and, again, I have to give the copies of, maybe, the same Bill, as passed by the Lok Sabha; it will take a lot of time, and my little experience with the Parliamentary Affairs Ministry shows that I can't run between the two wickets as fast as I would like to. At this rate, this Bill will not go to the Lok Sabha even before the last day.

SHRI JIBON ROY: So what? ...*(Interruptions)*...

SHRI PRAMOD MAHAJAN: That is not your problem. That is my problem. ...*(Interruptions)*... That can't be your problem. I am explaining my problem. My problem, Sir, is, I don't want to bulldoze, I

don't want to supersede this Bill over the Railways Bill. My problem is, unless I get this hon. House to pass this Bill today, it will not be passed in this Session of the Parliament, in Lok Sabha, and as, time and again, I have explained, where there is, by and large, a consensus, not unanimity, to pass the Bill, let us pass the TRIPS-related Bill which has, by and large, a consensus, which is in the interest of the nation, and regarding the Bill which, by and large, with a consensus, you want to send to a Select Committee, the Government has already said, "We would like to send it to a Select Committee."

About semi-conductor, let us study it tomorrow. We can take a decision today. You can take a decision tomorrow evening, if you want to send it to a Select Committee. But about the Designs Bill, if it is not passed today, it will not be passed in this Session itself. Sir, if the Railways Bill is not passed today, we can pass it tomorrow because there is no time-bar on that; it has already come from that House. There is a time-bar for this Designs Bill. That is why I am begging the indulgence of the House to help me out in this Bill. .....*(Interruptions)*...

SHRI JIBON ROY: Sir, there is no consensus. .....*(Interruptions)*....

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): I think...*(Interruptions)*I have heard the viewpoints.. ...*(Interruptions)*...

DR. BIPLAB DASGUPTA: Unless we read this Bill as a party,.....*(Interruptions)*... Each and every party has to go through this Bill. .....*(Interruptions)*... Unless we read the Bill,.....*(Interruptions)*...

SHRI PRAMOD MAHAJAN: Sir, the Bill has already been circulated...*(Interruptions)*... There is an agenda for two days. ....*(Interruptions)*...

DR. BIPLAB DASGUPTA: We must consult the experts, we must get their opinion. For that, some more time is required. ....*(Interruptions)*...

THE VICE-CHAIRMAN(SHRI ADHIK SHIRODKAR): Will you take your seat, Dr. Biplab? *(Interruption)* Dr. Biplab, please take your seat. ....*(Interruptions)* .. I have heard the viewpoints, I have heard the difficulty. I have heard Pranabda. ....*(Interruptions)*... When I am speaking, you don't disturb me, kindly. Now this Bill has been circulated. It was kept for

today. Unless there is a compelling ground or a sufficient ground for a variation, it can't be changed. Now there is no sufficient ground; otherwise, there is a sufficient ground for not availing it because there are certain difficulties which are procedural, and I, therefore, request, "Please go on with it, as he stated, "Tomorrow, we can take up the TRIPS Bill. ....*(Interruptions)*...

DR. BIPLAB DASGUPTA: Sir, is there anyone in the House who can tell me with what it is concerned? Is there anyone who can understand the Bill? Is there anyone? I am challenging it. Who understands the Bill? Who understands the Bill? Who can explain this Bill to me? .....*(Interruptions)*... Who can explain this Bill to me? ...*(Interruptions)*... You cannot pass the Bill in a hurry? ....*(Interruptions)*... Who can explain the Bill? Who can explain the Bill to me? ....*(Interruptions)*...

SHRI PRANAB MUKHERJEE: Sir, let us not go into that matter. .....*(Interruptions)*... Let us not go into that aspect. ....*(Interruptions)*... This type of arguments are not good. Let us listen to the Minister in that case.

THE VICE-CHAIRMAN(SHRI ADHIK SHIRODKAR): Dr. Raman to move the Bill for consideration.....*(Interruptions)*...

DR. BIPLAB DASGUPTA: We can't accept that. Sir, if that is the case, we will walk out of the House. .....*(Interruptions)*... This cannot be done.

SHRI MD. SALIM (West Bengal): We have a right, Sir. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR) : I am on my legs.

SHRI JIBON ROY: Let us pass a resolution that we have to pass all the Bills....*(Interruptions)*...

SHRI MD. SALIM: Sir, the Act of 1911 is sought to be replaced. Accepted, because all these things are intriguing....*(Interruptions)*... This is the Designs Bill--and it is our sovereign right--and, Sir, if you see clause 44 of this Bill, it says, "If someone has asked for a design in U.K., we forbid our right!" ...*(Interruptions)*...

THE VICE-CHAIRMAN(SHRI ADHIK SHIRODKAR): Mr. Salim, please sit down. ....*(Interruptions)*...

SHRI JIBON ROY: All the Bills piloted by the Government are passed.....*(Interruptions)*... Unless and until all the Bills are not discussed, or referred to the Standing Committee.....*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): Please take your seats. .....(Interruptions)... Please take your seats. .....*(Interruptions)*... Mr. Jibon Roy, please take your seat. .....*(Interruptions)*.. Will you take your seat...(*Interruptions)*...

SHRI DIPANKAR MUKHERJEE: This Government may be committed to the WTO, we are not committed to it. ...*(Interruptions)*... WTO related Bills cannot be passed like this? Why don't you form a Standing Committee? ...(Interruptions)... What is the hurry? Who is in a hurry? Let us know what is the hurry and who is in a hurry. What are these Standing Committees therefor? ...*(Interruption)*... Only for going on tours to Andaman and Nicobar, or, Lakshadweep...*(Interruption)*.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): When I am standing...*(Interruption)*. When the Chair is standing, you should not stand. So, sit down. This is number one. Secondly, I have heard you all, and I have heard the difficulty of the hon. Minister. He has expressed a genuine difficulty. He has told the way out also. I have before me rule 23 which says, 'variation as per sufficient ground.' I see no sufficient ground to change; that is why I have given a ruling. Now we will take up the Designs Bill, 1999. ...*(Interruption)*...

SHRI JIBON ROY: Is there anybody in the House who can tell me about the Bill? *(Interruption)*

THE VICE-CHAIRMAN(SHRI ADHIK SHIRODKAR): Nothing will go on record. ...*(Interruption)*...

SHRI GURUDAS DAS GUPTA: We shall not take part in the discussion on the Bill. *(Interruption)*. We are not a party to it. *(Interruption)*. In our absence, let the Bill be passed. *(Interruption)*.

श्री रमा शंकर कौशिक :श्रीमन्, मैं भी वाक आऊट कर रहा हूं ।

(At this stage some hon. Members left the Chamber)